



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

Over 50 Years Serving Coastal Los Angeles and Ventura Counties
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful



Gray Davis
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Los Angeles Regional Water Quality Control Board Minutes of November 14, 2002 Regular Board Meeting held at City of Los Angeles Department of Public Works 200 North Spring Street

INTRODUCTION

The meeting was called to order by Chairperson Diamond at 9:20am.

Board Members Present

Susan Cloke, Francine Diamond, R. Keith McDonald, H. David Nahai, and Christopher Pak,
Julie Buckner-Levy

Board Members Absent

Robert Miller, Bradley Mindlin, Timothy Shaheen

Staff Present

Dennis Dickerson, Deborah Smith, David Bacharowski, Ronji Harris, Robert Sams, Jack Price,
Steve Cain, Jenny Newman, Jonathon Bishop, Blythe Ponek-Bacharowski, Paula Rasmussen,
Hugh Marley, Russ Colby, Lala Kabadain, Parvaneh Khayat, Joyce Wang, David Hung,
Cassandra Owens

Others Present

Chris Jones, Representing Los Angeles County
Department of Public Works
Steve Shisty, the Boeing Company
Ernic Villasener, City of Camarillo
Oscar Enriquez, Los Angeles County Department of
Public Works
Matt Liao, Caltrans – District 7

Mark Towne, Conejo Open Space
Conservation Agency
Anita Kuhlman, City of Camarillo
Chris Louros, Trammell Crow Co.
Stephen D. Comley, ARCO BP

Pledge of Allegiance

3-15

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>

Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

1. Roll Call

A roll call was taken.

2. Order of Agenda.

The executive officer made the following changes to the agenda:

- *Item 9.1 will be heard at a future meeting*
- *Item 11 will be heard at the December meeting*
- *Item 12 will be heard at a future meeting*

3. Approval of Minutes

There were no minutes prepared for the Board to approve.

4. Board Member Communications and Ex Parte Disclosure

Board member Cloke communicated that she had met with Jim Stahl of Los Angeles County Public Works to discuss the issue of chloride pollution and TMDLs.

Chairperson Diamond communicated that she and Board Member Nahai had met with Assemblyman Paul Koretz regarding possible ideas for environmental legislation.

5. Public Forum

There were no speakers during public forum.

6. Uncontested Items

There was a motion to approve the following uncontested items: 7.1, 7.2, 7.3, 7.4, and 13. Board Member Cloke spoke on Item 13 and commended Thousand Oaks for their SEP proposal to clean up Arroyo Conejo.

10. Penalty Hearing for Royal Auto Dismantling

Bob Sams, Staff Counsel, explained that even though the discharger was not present at this meeting, the Board still had to review the record from the Hearing Panel held for this matter on August 22, 2002. The Board agreed that they had reviewed the record of the hearing panel provided to them prior to the meeting.

Chairperson Diamond made a motion to accept the findings of fact and conclusions of law and the penalty in the amount of \$9,230 as recommended by the hearing panel.



Chairperson Diamond asked staff if there had been discussion with Royal Auto about how they would pay the penalty.

Paula Rasmussen, Chief, Enforcement and Groundwater Permitting section, replied that at that time, the discharger was not intending to pay the penalty.

Board Member Nahai asked if the discharger had declined to come to the Board meeting or if they had just not shown up.

Ms. Rasmussen replied that they had declined to come ahead of time.

Dennis Dickerson, Executive Officer, stated that he received a call from a State legislative aide regarding the ACL. The discharger's consultant had contacted the aide for assistance. Mr. Dickerson had a conference call with the aide and the consultant and reviewed the details of the panel hearing.

Board member Cloke stated that the fact that the discharger had a consultant, who appeared to have knowledge of Midgin penalties, contradicted the discharger's defense of ignorance.

Chairperson Diamond added that the USEPA had submitted a letter about the serious effects of auto dismantling operations on storm water.

MOTION: By Chairperson Diamond, seconded by Board Member Cloke, and approved on a voice vote. No votes in opposition.

14. Enforcement Policy Information Item

Boris Trgovcich, State Board, Office of Statewide Initiatives, reviewed the State Board Enforcement Policy, which was recently approved by the Office of Administrative Law on July 30, 2002. He explained the primary goals of the policy, which are to implement the recommendations of the Enforcement Order Review Panel, improve consistency, prioritize enforcement, and improve reporting. He stated that the policy provides guidelines for setting priorities and pursuing progressive enforcement. He went over the policy of fair, firm and consistent enforcement and enforcement prioritization. He then reviewed each type of enforcement tool and recommended specific enforcement. He stated that the regional boards would be required to report to the State Board on a quarterly basis and that State Board feels strongly about enforcement reporting.

Hugh Marley, Chief, Enforcement unit, presented the Regional Board's perspective on the Enforcement Policy. He stated that for the most part, the Regional Board's approach was consistent with the State Board Policy. He stated that changes in procedure may be required in the areas of prioritization, public notification and outreach, data tracking and



reporting, order content and timelines, fee recovery, inspection requirements, supplemental environmental projects, and administrative liability amounts.

Dennis Dickerson gave some background on the Board's enforcement record and commended the Enforcement team's recent efforts to improve the record. He stressed that he saw fee collection as the biggest upcoming enforcement challenge.

Julie Buckner-Levy asked if there were any other regional boards with a better record of enforcement of fee collection.

Hugh Marley replied that San Diego was first in fee collection enforcement.

Dennis Dickerson added that Region 8 has a standard ACL for failure to pay fees and that our Region plans to develop one as well.

Board Member Nahai asked if the bigger problem was with non-filers rather than facilities that had filed but not paid the fee.

Dennis Dickerson replied that there was a much lower rate of non-filers than had been previously estimated.

Board Member Cloke addressed the issue of dischargers for whom English was not their first language. She stated that it should be addressed by State Board as part of their fair enforcement policy.

Boris Trgovcich responded to her suggestion and said that the Regional Board could bring this issue to enforcement roundtable meetings

Board member Cloke asked how the Regional Board would communicate with State Board the shortfall that the fee increase could create and how staff was dealing with the current budget situation.

Dennis Dickerson replied that State Board was aware of our situation and realized the reality that regional boards were facing.

Chairperson Diamond asked if it was possible to use rescission of WDRs as a hammer in order to provide incentive for dischargers to pay fees.

Mr. Dickerson replied that the idea could have merit but that the only recourse would be to turn the case over to the Attorney General's office to close the business, etc. He said it might be possible to conduct a test case.



15. Executive Officer's Report

Dennis Dickerson updated the Board on current issues facing staff. He spoke about a recent advertisement in two local newspapers about trash pollution. He informed the Board of upcoming enforcement cases, issues in Malibu, the recent WQCC meeting and Oceans Conference, and TMDL strategies.

Adjournment of Current Meeting

The meeting adjourned at 10:55 am. The next regular meeting is scheduled for December 12, 2002, at the City of Los Angeles Public Works, 200 North Spring Street at 9:00 a.m.

Minutes adopted at the _____ Regular Board meeting
submitted/amended.

Written and submitted by: _____.

